

**Enrolled Minutes of the Fifty-Seventh Regular Meeting  
Of the Twenty-Sixth Highland Town Council  
Monday, May 03, 2010**

*Study Session.* The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular but rescheduled meeting on Monday, May 03, 2010 at 6:30 O'clock P.M. in the regular place, the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

*Silent Roll Call:* Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Council discussed the use variance petitions submitted for 8630 Kennedy Avenue and 9613 Kleinman Avenue. It was informally determined that these matters be removed to allow the Town Council to review them at a subsequent study session.

The study session ended at 6:59 O'clock p.m.

*Regular Meeting.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, May 03, 2010 at 7:00 O'clock p.m. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Mark A. Herak presided and the Town Clerk-Treasurer was present to memorialize the proceedings.

The session was opened with the Town Council President Mark A. Herak leading the pledge of allegiance to the United States Flag and offering a prayer.

**Roll Call:** Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** Jared Tauber, Attorney with Tauber, Westland and Bennett; Peter T. Hojnicky, Metropolitan Police Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; Kenneth J. Mika, Building Commissioner; William R. Timmer, Jr., CFOD, Fire Chief; and Cecile Petro, Redevelopment Director were also present.

Dennis Adams of the Town Board of Metropolitan Police Commissioners; and Peggy Glennie of the Select Centennial Commission were also present.

**Minutes of the Previous Session**

The minutes of the regular meeting of 19 April 2010 were approved by general consent.

**Special Orders:**

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2010 Budget of the **Municipal Cumulative Street Fund in the amount of \$25,000.00.**
  - (a) Attorney verification of Proofs of Publication: (The TIMES 21 April 2010.) Mr. Tauber indicated that the proofs were in order.
  - (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments written or spoken. The hearing was closed.
  - (c) Action on **Appropriation Enactment No. 2010-19:** An Enactment Appropriating Additional Moneys in Excess of the 2010 Budget in Excess of the Annual Budget for the **Municipal Cumulative Street Fund in the amount of \$25,000.00**, pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq.

Councilor Zemen introduced and moved the consideration of Enactment No. 2010-19 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered.

Councilor Kuiper moved the passage and adoption of Enactment No. 2010-19 at the same meeting of introduction. Councilor Zemen seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was adopted.

**Town of Highland  
Appropriation Enactment  
Enactment No. 2010-19**

**AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the MUNICIPAL CUMULATIVE STREET FUND, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.**

**WHEREAS,** Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Municipal Cumulative Street Fund**;

**WHEREAS,** It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

**NOW, THEREFORE BE IT ENACTED** by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Municipal Cumulative Street Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

**MUNICIPAL CUMULATIVE STREET FUND**

Acct. No. 390.10 Concrete replacement:		<u>\$ 25,000.00</u>
	<i>Total Series:</i>	\$ 25,000.00
	<b>Total for Fund:</b>	<u>\$ 25,000.00</u>

**Section 2.** That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

**Section 3.** That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 3<sup>rd</sup> Day of May 2010. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 3<sup>rd</sup> Day of May 2010, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Mark A. Herak, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

By unanimous consent, the following two matters involving petitions for use variances were delayed from consideration until the Town Council could discuss further in a study session.

2. **Advisory Board of Zoning Appeals Docket:** Petition for a Use Variance for property located at **8630 Kennedy Avenue, Highland**, to allow private club or lodge use, in property currently zoned as Downtown Sub-district District. Petitioner: Garfield Lodge #569, 8630 Kennedy Avenue, Highland. The Advisory Board of Zoning Appeals by a vote of four in favor and zero opposed acted to **favorably recommend the request for the use variance**. The ABZA acted at its meeting of 24 March 2010. The findings of fact were memorialized and the board approved the facts in written form at its meeting of 28 April 2010. (90 days ends 22 June 2010.).

*Pursuant to IC 36-7-4-918.6, the Town Council may either accept the favorable recommendation and grant the requested use variance or it may reject (over rule) the recommendation and deny the use variance.*

3. **Advisory Board of Zoning Appeals Docket:** Petition for a Use Variance for property located at **9613 Kleinman Avenue, Highland**, to allow single family residential use in the front portion of property and U-lock storage in the rear, in property currently zoned as B-1 Business District. Petitioners: Kenneth Scheeringa, 675 Wittchen drive, Schererville, Indiana; and George Scheeringa, 9349 Kleinman Road, Highland, Indiana. The Advisory Board of Zoning Appeals by a vote of four in favor and zero opposed acted to **favorably recommend the request for the use variance**. The ABZA acted at its meeting of 24 March 2010. The findings of fact were memorialized and the board approved the facts in written form at its meeting of 28 April 2010. (90 days ends 22 June 2010.).

*Pursuant to IC 36-7-4-918.6, the Town Council may either accept the favorable recommendation and grant the requested use variance or it may reject (over rule) the favorable recommendation and deny the use variance.*

4. **Proclamation of the Municipal Executive:** A Proclamation Honoring May 9<sup>th</sup> to 15 as Nursing Home Week in the Town of Highland. The Town Clerk-Treasurer read aloud the proclamation. The Town Council President enacted the proclamation by affixing his signature.

TOWN OF HIGHLAND  
PROCLAMATION OF the TOWN EXECUTIVE

**A PROCLAMATION IN RECOGNITION OF MAY 9 THROUGH MAY 15, 2010 AS (NATIONAL) NURSING HOME WEEK IN HIGHLAND**

**Whereas**, All the citizens are affected by our Nation's rising demand for quality long-term services; and,

**Whereas**, We salute our community's citizens now residing in nursing home facilities, many of whom planted the seeds that made our community grow and prosper; and

**Whereas**, Nursing facilities provide care and supportive services that make quality of life possible for our loved ones; and,

**Whereas**, Member facilities of the American Health Care Association and Indiana Health Care Association are providing a host of activities in celebration of National Nursing Home Week beginning Mothers' Day, May 9 to May 15, 2010 using the theme "*Enriching Every Day*;"

**Now, Therefore, I, Mark A. Herak**, by virtue of the authority vested in me as President of the Town Council of the Town of Highland, Lake County, Indiana, now hereby proclaim the period of May 9<sup>th</sup> through May 15<sup>th</sup> 2010, as *Nursing Home Week* in the Town of Highland;

**Be it Still Further Proclaimed**, That the citizens of Highland are hereby encouraged to honor and serve the individuals who laid the foundation of Highland by participating in this year's National Nursing Home Week observance at the Highland Nursing and Rehabilitation Center, 9630 Fifth Street, Highland.

**In Witness Whereof**, I have hereunto set my hand and caused the Corporate Seal to be affixed at the Highland Municipal Building this 3<sup>rd</sup> day of May in the year, 2010.

TOWN OF HIGHLAND, INDIANA  
BY ITS TOWN COUNCIL PRESIDENT

/s/Mark A. Herak

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer

#### Unfinished Business and General Orders:

1. **Resolution No. 2010-20: A Resolution Authorizing Temporary Interfund Loan or Transfer to the Police Pension Fund, Pursuant to IC 36-1-8-4.**

Councilor Novak moved the passage and adoption of Resolution No. 2010-20. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

#### TOWN OF HIGHLAND RESOLUTION NO. 2010-20

##### A RESOLUTION AUTHORIZING TEMPORARY INTERFUND LOAN or TRANSFER PURSUANT to IC 36-1-8-4

**Whereas**, The Clerk-Treasurer has advised the Town Council that cash balance in the **Police Pension Fund**, is not sufficient to meet its regular operating expenses prior to the receipt of the semi-annual distribution of ad-valorem revenues so it has become necessary to temporarily borrow money to enhance the fund;

**Whereas**, The Clerk-Treasurer has advised that there is sufficient money on deposit to the credit of the **Rainy-Day Fund** that can be temporarily transferred;

**Now, Therefore Be it Resolved** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That the amount of **\$100,000.00** be borrowed for the **Police Pension Fund**, with the amount of **\$100,000.00** to be loaned by the **Rainy Day Fund**;

**Section 2.** That said loan in the amount of **\$100,000.00** be repaid to the **Rainy Day Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the **Police Pension Fund** with such loan to be repaid no later than December 31, 2010, subject to IC 36-1-8-4(b).

**Duly Adopted** by the Town Council of the Town of Highland, Lake County, Indiana, this 3<sup>rd</sup> day May 2010. Having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Mark A. Herak, President IC 36-5-2-10

Attest  
Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Proposed Ordinance No. 1458:** An Ordinance Amending Ordinance No. 1422 Establishing a Limited Group Medical Benefit for Municipal Employees, related to Medical Infertility Services, Self-Funded by the Municipality, with such benefit amended to expire on 31 December 2010, Pursuant to IC 36-1-3 and other relevant Statutes.

Councilor Zemen introduced and moved the consideration on the same meeting of introduction of Ordinance No. 1458. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives. The motion passed. The ordinance could be considered.

Councilor Kuiper introduced and moved the passage and adoption on the same meeting of introduction of Ordinance No. 1458. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives. The motion passed. The ordinance was adopted.

**ORDINANCE NO. 1458  
OF THE  
TOWN OF HIGHLAND, INDIANA**

**AN ORDINANCE AMENDING ORDINANCE NO. 1422 ESTABLISHING A LIMITED GROUP MEDICAL BENEFIT FOR MUNICIPAL EMPLOYEES, RELATED TO MEDICAL INFERTILITY SERVICES, SELF-FUNDED BY THE MUNICIPALITY, WITH SUCH BENEFIT AMENDED TO EXPIRE ON 31 DECEMBER 2010, PURSUANT TO IC 36-1-3 AND OTHER RELEVANT STATUTES.**

**WHEREAS,** The Town Council is the fiscal and legislative body of the Town of Highland;

**WHEREAS,** IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

**WHEREAS,** IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and

**WHEREAS,** IC 36-1-4, sections 14 and 15 provide in pertinent parts for the establishment of a system of employment for any class of employee and for fixing the level of compensation of its officers and employees; and

**WHEREAS,** IC 5-10-8 further authorizes Indiana political subdivisions to participate in and provide for certain compensation plans, and group benefits for its public workforce and officers, some of which have been duly adopted and established by ordinance of the Town; and

**WHEREAS,** IC 36-5, Chapters 3 and 4 provide additional authority and guidelines for fixing the level of compensation of officers and employees in towns; and

**WHEREAS,** The Town Council has determined that the establishment of a program for medical infertility services for its public workforce, consistent with Indiana Statutes, would be of benefit to support and carryout the public purposes of the municipality; and

**WHEREAS,** The Town Council now desires to re-authorize and re-establish such a program for medical infertility services for its public workforce on a limited basis, by amending its sunset provision to conclude at a later date;

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY** the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That there is established for the municipality a program for medical infertility services for its public workforce pursuant to and consistent with the provisions of the relevant governing law;

**Section 2.** That the Town will provide reimbursement for medical infertility services for its public workforce for all full-time employees and the Clerk-Treasurer, who are already covered under the group health, subject to the provisions herein.

**Section 3.** That the Town reserves the right to change alter, modify or cancel this plan coverage with or without notification.

**The Plan**

**Section 4.** (A) That the Town provides full-time employees with a **group medical infertility insurance** plan after an employee has completed at least thirty (30) days on the job. The coverage begins on the first of the month after the successful completion of the first thirty (30) days of employment. If the full-time employees are eligible for participation in the medical group plan of the Town at the time of the adoption of this ordinance, they are immediately eligible for this added benefit without a further waiting period. The plan is described as follows:

(B) The Town will reimburse medically insured employees and their spouses for verified, uninsured costs related to certain reproductive services. These services include the following:

1. Health services and associated expenses for infertility treatment, including assisted reproductive technology, regardless of the reason for the treatment. *This ordinance and plan does not apply to services required to treat or correct underlying causes of infertility.*
2. Surrogate parenting, donor eggs, donor sperm and host uterus.
3. Storage and retrieval of all reproductive materials, examples of which include eggs, sperm, testicular tissue and ovarian tissue.

(C) Employees who wish to participate in the plan described herein will submit to the regular group medical insurer the costs associated with a procedure covered under this ordinance. If denied by the regular insurer, the covered worker or spouse will submit the rejection and the EOB (explanation of benefits) to the Office of the Clerk-Treasurer for review. If the procedure or service is one covered under the terms of this ordinance, the clerk-treasurer may prepare a reimbursement to the worker for the cost of the service, subject to the value of the benefit limitations set forth in this ordinance.

(D) The maximum amount that will be reimbursed to any eligible employee or spouse, will not exceed the amount of **six-thousand, five hundred dollars (\$6,500) for services that are incurred after February 22, 2009 and prior to January 1, 2011**, unless a shorter period is established by ordinance.

(E) All employees or spouses who participate in this program shall be required to provide the proper authorizations for certain disclosure of private health information.

**Section 5.** (A) That the source of the funding for this program shall be self-funded by the Town of Highland for its covered employees and their spouses from the Rainy Day Fund, provided the ordinance establishing the fund is properly amended to permit this purpose.

(B) That the Clerk-Treasurer shall take the steps necessary to carry out the administration of this program from the fund identified herein, including causing any additional appropriations hearing that may be necessary, and setting aside the amount of money necessary to cover the liability likely to be incurred under the terms of this ordinance.

**Section 6.** That this ordinance is to be construed as a companion ordinance complimentary to any ordinance passed from time to time establishing compensation and benefits, known as the compensation and benefits ordinance and commonly promulgated as the Personnel Compensation and Benefits Policy;

- (A) That this ordinance shall be effective to the extent that it is not in conflict with Federal or State law;
- (B) That all other ordinances and resolutions related to the subject matter of this ordinance and not in conflict with its provisions, and the enabling instruments dealing with public employee retirement plans, remain in full force and effect;
- (C) That all other ordinances and resolutions in conflict with the provisions of this ordinance are hereby repealed and have no further force or effect;
- (D) That this ordinance and the plan it establishes shall run from **February 23, 2009 and continue until its expiration on January 1, 2011.**

**Section 7.** That this ordinance shall become and remain in full force and effect from and after the date of its passage and adoption upon its signature by the executive as attested thereto by the clerk-treasurer, in the manner prescribed by IC 36-5-2-10(a), and shall expire as indicated in the provisions of Section 6 (d) of this ordinance.

Introduced and Filed on the 3<sup>rd</sup> day of May 2010. Consideration on same day or at same meeting of introduction experienced a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 3<sup>rd</sup> Day of May 2010, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Proposed Ordinance No. 1459:** An Ordinance to Authorize Payment According to the Federal Travel and Per diem Rules When the travel is Associated with the Sexual Predator Grant Project and Fully paid by the Proceeds of the Grant Supporting the project, Pursuant to IC 36-1-3 and other relevant Statutes.

Councilor Vassar introduced and moved the consideration on the same meeting of introduction of Ordinance No. 1459. Councilor Novak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives. The motion passed. The ordinance could be considered.

Councilor Vassar introduced and moved the passage and adoption on the same meeting of introduction of Ordinance No. 1459. Councilor Novak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives. The motion passed. The ordinance was adopted.

**ORDINANCE No. 1459  
OF THE  
TOWN OF HIGHLAND, INDIANA**

**AN ORDINANCE TO AUTHORIZE PAYMENT ACCORDING TO THE FEDERAL TRAVEL AND PER DIEM RULES WHEN THE TRAVEL IS ASSOCIATED WITH THE CHILD SEXUAL PREDATOR GRANT PROJECT AND FULLY PAID BY THE PROCEEDS OF THE GRANT SUPPORTING THE PROJECT, PURSUANT TO IC 36-1-3 AND OTHER RELEVANT STATUTES.**

**WHEREAS,** The Town Council is the fiscal and legislative body of the Town of Highland;

**WHEREAS,** IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

**WHEREAS,** IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and

**WHEREAS,** IC 36-1-4, sections 14 and 15 provide in pertinent parts for the establishment of a system of employment for any class of employee and for fixing the level of compensation of its officers and employees; and

**WHEREAS,** IC 5-10 in several pertinent chapters further authorizes Indiana political subdivisions to participate in and provide for certain compensation plans, and group benefits for its public workforce and officers, some of which have been duly adopted and established by ordinance of the Town; and

**WHEREAS,** IC 36-5, Chapters 3 and 4 provide additional authority and guidelines for fixing the level of compensation of officers and employees in towns; and

**WHEREAS,** The Town Council has determined that establishment of a separate program for compensation, benefits and personnel management for its public workforce **or contractors when associated with a Federal Grant funding to reduce and prevent child endangerment and protect the community from sexual predators**, consistent with Indiana Statutes, would be of benefit to support and carryout the public purposes of the municipality;

**WHEREAS,** The Town Council now desires to authorize and establish such a separate, compensation, benefits and personnel program;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That there is established for the municipality a special compensation, benefits and personnel program to be applied when aligned with travel or temporary duty expenses associated with the Federal program *combating Child Sexual Predators, reducing and preventing child endangerment and protecting the community from sexual predators* and funded by the grant supporting the project, and pursuant to and consistent with the provisions of the relevant governing law;

**Section 2.** That the short title of this ordinance may be styled as the "*Child Predator Grant Project Travel and Per Diem Ordinance*";

(a) That participants who perform official travel away from the official station, and incur per diem expenses while performing official travel and the participant is in official travel status for more than 12 hours will be eligible for an allowance provided as per diem or actual expense(s);

(b) That the forgoing allowance must be fully funded by the proceeds of a grant supporting the Federal funded Sexual Predator Project;

(c) That the amount of the allowances, either as per diem or actual expenses shall be governed by relevant rules and guidelines promulgated by the United States General Services Administration, and relevant Federal rules regarding temporary duty allowances and temporary duty travel allowances.

**Section 3.** That this ordinance is to be construed as a companion ordinance complimentary to any ordinance passed from time to time establishing wages and rates of pay and known as the salary ordinance;

(a) That this ordinance shall be effective to the extent that it is not in conflict with Federal or State law;

(b) That all other ordinances and resolutions related to the subject matter of this ordinance and not in conflict with its provisions, and the enabling instruments dealing with public employee retirement plans, remain in full force and effect;

(c) That all other ordinances and resolutions in conflict with the provisions of this ordinance are hereby repealed and have no further force or effect;

**Section 4.** That this ordinance shall become and remain in full force and effect from and after the date of its passage and adoption upon its signature by the executive as attested thereto by the clerk-treasurer, in the manner prescribed by IC 36-5-2-10(a), and shall expire at the conclusion of the particular *Law Enforcement Grant Program associated with a Federal Grant funding a program to reduce and prevent child endangerment and protect the community from sexual predators*.

Introduced and Filed on the 3rd day of May 2010. Consideration on same day or at same meeting of introduction attained 5 votes in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 3<sup>rd</sup> Day of May 2010, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. Acknowledgement of **Petition** filed by Albert N. Kosier, Jr., 8933 Grace Street, Highland, requesting the vacation of an easement, pursuant to IC 36-7-3-12. Municipal clerk to set for a hearing within 30 days from filing. No action is necessary. The Clerk-Treasurer as municipal clerk is reporting the receipt of the petition for the information of the Town Council.

The Clerk-Treasurer reported the filing of the petition above. It was noted that a hearing was required to be scheduled within 30 days. The hearing was advertised for May 17, 2010 meeting. There was no formal action.

5. Action to approve **senior citizen discount** on monthly solid waste user charge, pursuant to Section §170.08 (B) of Chapter 170 of the Highland Municipal Code.
  - (5.1) The Clerk-Treasurer presents the request of **James E. Bielak** for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (5.2) The Clerk-Treasurer presents the request of Joseph J. Drabek for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (5.3) The Clerk-Treasurer presents the request of Lewis Clark, Jr., for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (5.4) The Clerk-Treasurer presents the request of Gale Osgerby for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (5.5) The Clerk-Treasurer presents the request of Marjorie Waters for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (5.6) The Clerk-Treasurer presents the request of Billie Jo Spence for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (5.7) The Clerk-Treasurer presents the request of Richard LaSota for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (5.8) The Clerk-Treasurer presents the request of Robert Pruzin for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (5.9) The Clerk-Treasurer presents the request of Robert Behary for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (5.10) The Clerk-Treasurer presents the request of John Beebe, Sr. for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (5.11) The Clerk-Treasurer presents the request of John Irk for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (5.12) The Clerk-Treasurer presents the request of Carol Hartman for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (5.13) The Clerk-Treasurer presents the request of Theodore Loehrke for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (5.14) The Clerk-Treasurer presents the request of Louis Trulja for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (5.15) The Clerk-Treasurer presents the request of Frank E. Phillips for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (5.16) The Clerk-Treasurer presents the request of Rose Marie Camarina for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (5.17) The Clerk-Treasurer presents the request of Thomas P. Firsich for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (5.18) The Clerk-Treasurer presents the request of Henry Guidotti for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (5.19) The Clerk-Treasurer presents the request of John Pulleyblank for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (5.20) The Clerk-Treasurer presents the request of Kathleen Parker for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (5.21) The Clerk-Treasurer presents the request of Lawrence Fiegle for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (5.22) The Clerk-Treasurer presents the request of Joan Skoog for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (5.23) The Clerk-Treasurer presents the request of Thomas K. Wiers for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (5.24) The Clerk-Treasurer presents the request of Lloyd Foster for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (5.25) The Clerk-Treasurer presents the request of Thurman Ferree for favorable action to approve senior citizen discount on monthly solid waste user charge.

- (5.26) The Clerk-Treasurer presents the request of Harold Carlson for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (5.27) The Clerk-Treasurer presents the request of Marilyn Monahan for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (5.28) The Clerk-Treasurer presents the request of Nicholas P. Karin for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (5.29) The Clerk-Treasurer presents the request of Bettie Brogdon for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (5.30) The Clerk-Treasurer presents the request of Evelyn Czupryn for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (5.31) The Clerk-Treasurer presents the request of Rozanne Marlow for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (5.32) The Clerk-Treasurer presents the request of Robert Thompson for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (5.33) The Clerk-Treasurer presents the request of Reno Ghidotti for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (5.34) The Clerk-Treasurer presents the request of Richard Black for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (5.35) The Clerk-Treasurer presents the request of Fred Klooster for favorable action to approve senior citizen discount on monthly solid waste user charge.

Councilor Zemen moved that the several applications be approved. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The applications were approved.

## NEW BUSINESS

*Amend Agenda.* Councilor Zemen moved that the agenda be amended to permit consideration of a late filed approval of overtime pay for an exempt salaried employee. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The Agenda was amended.

**Consideration of overtime pay for exempt salaried employee R. Potesta as requested by the Metropolitan Police Chief, in the amount of \$200.** Councilor Novak moved the overtime be approved. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The overtime pay was approved.

*Amend Agenda.* Councilor Kuiper moved that the agenda be amended to permit consideration of instruction to prepare an amendment to the Highland Municipal Code, regarding approval of the Senior Citizens discounts for the Solid Waste User Charges. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The Agenda was amended.

**Instruct the proper officer or employee to prepare an ordinance regarding Chapter 170 of the Highland Municipal Code.** Councilor Kuiper moved that the proper officer or employee be instructed to prepare an ordinance to amend the Trash Chapter in the Municipal Code, providing that the Public Works Director be the approving authority for senior citizen discount applications rather than the Town Council. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The instruction was approved.

## Comments from the Town Council Members (For the Good of the Order)

- **Councilor Bernie Zemen:** • *Park and Recreation Board Liaison • Town Board of Metropolitan Police Commissioners • Lake County Solid Waste Management District Board of Directors • President's designee to Chair the Select Centennial Commission • Chamber of Commerce, Liaison.*

Councilor Zemen commented favorably on the recent WWII re-enactment that was conducted at the Main Square as part of the on-going Centennial Celebration.

- **Councilor Dan Vassar:** • *Redevelopment Commission Liaison • Plan Commission member.*

Councilor Vassar recognized the Redevelopment Director who reported that the Redevelopment Commission and the Plan Commission would be meeting jointly to discuss economic development and planning matters.

- **Councilor Brian Novak:** • *Advisory Board of Zoning Appeals, Liaison • Traffic Safety Commission Member.*

Councilor Novak had no comments or report.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison.*

Councilor Kuiper had no comments.

- **Councilor Mark Herak:** • *Town Executive • Police Pension Board of Trustees Chair • Budget Committee Chair • Board of Sanitary Commissioners, Liaison • Board of Waterworks Directors, Liaison • Community Events Commission, Liaison.*

Council President Herak noted that the Parks and Recreation Lincoln Center Capital Plan initiative "restart" was moving forward.

Council President Herak recognized the Clerk-Treasurer who reported that the recodification process was moving forward and that the work on the CAFR for FY 2009 was moving forward.

#### **Comments from the Public or Visitors**

There were no comments from visitors.

**Payment of Accounts Payable Vouchers.** Councilor Novak moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period April 20, 2010 through to May 03, 2010. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

**General Fund, \$177,022.09; Motor Vehicle Highway and Street (MVH) Fund, \$13,554.90; Local Road and Street Fund, \$3,189.00; Law Enforcement Continuing Education and Training Fund, \$653.23; Capital Projects Retainage Fund, \$41,848.02; Flexible Savings Account (FSA) Agency Fund, \$1,588.90; Insurance Premium Agency Fund, \$8,496.00; Information and Communications Technology Fund, \$2,619.70; Centennial Commission Fund, \$6,817.50; Rainy Day Fund, 134,558.80; Traffic and Law Violations Agency Fund, \$1,108.50; Safe Neighborhood Fund, \$18,800.00; Sexual Predator Grant Fund, \$3,066.31; Special Public Safety Fund, \$10,255.48; Total: \$481,830.98.**

**Adjournment.** Councilor Kuiper moved that the regular meeting be adjourned. Councilor Novak seconded. Upon a vote *viva voce*, the motion passed. The regular Town Council meeting of **Monday, May 03, 2010** was adjourned at 7:27 O'clock p.m.

No study session followed.

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer